HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT APPEAL NO.65 OF 2006

BETWEEN

Kolishetty Krishnaiah

.....

Appellant

And

Government of Andhra Pradesh
rep. by its Secretary, Law Department, Hyderabad. & another.

.....Respondents

:: JUDGMENT ::

Counsel for the Appellant	: Shri Bankatlal Mandhani
Counsel for Respondent No. 1	: The Advocate General
Counsel for Respondent No.2	: Shri K. Srinivas Rao

Dated: 09-06-2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 13.12.2005

passed by the learned Single Judge in Writ Petition No.26512 of 2005, whereby he rejected the appellant's prayer for issue of a mandamus for expeditious disposal of C.C.No.982 of 2005 pending in the Court of II Additional Chief Metropolitan Magistrate, Hyderabad.

On 16.03.2006, the Court had, after hearing learned counsel for the appellant, passed the following order:

> " Heard learned counsel for the parties.
>
> Through we are not inclined to entertain the appellant's prayer for issuance of a mandamus to the concerned Court to expedite adjudication of the petitions filed by him under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), we are gravely concerned with the unusual increase in the number of litigation on account of amendment made in Section 138 of the Act.
>
> Affidavit of Sri Y.V. Ramakrishna, Registrar General of the High Court shows that the administration of the High Court has been, for the last five years, trying to impress upon the Government to create new Courts to meet the new challenges thrown by new legislations and amendments of the existing legislations but no concerted effort appears to have been made on the part of the executive of the State to remedy the situation.
>
> We have impressed upon the learned Advocate General that he should get in touch with the highest political functionaries in the State and ensure that road blocks created by the executive apparatus of the State in the creation of additional Courts and infrastructure, which is sine qua non for expeditious adjudication of the pending cases are cleared without any further delay.
>
> The learned Advocate General requests three weeks time for the authorities, but we are not

inclined to accept his request and adjourn the case to 04.04.2006.

We hope and trust and trust with confidence that the learned Advocate General, who is the first among the Law Officers of the State will be able to persuade the political executive of the State with the dire need of creating additional infrastructure to meet the growing demand of expeditious disposal of the pending cases in the Courts at the gross root level. It needs no emphasis that success of judicial system at the gross root level is imperative for survival of the democracy in the country."

Today, the learned Advocate General gave out that the State Government has agreed to sanction twenty five posts of Junior Civil Judges and ten posts of Senior Civil Judges with a corresponding financial expenditure of Rs.7 crores and the required Government Order is likely to be issued in few days.

It has also been brought to the notice of the Court that more than eighty officers already selected are undergoing statutory one year's training and are likely to be available for regular posting by the end of 2007.

In view of the statement made by the learned Advocate General and the fact that on administrative side, the High Court has already initiated steps for reducing the burden on the existing Courts, the appeal is disposed of with the hope that the complaint of the appellant will be dealt with and decided expeditiously.

While disposing of the appeal in the manner indicated above, we give liberty to the appellant to file miscellaneous application, if any such contingency arises in future.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

09.06.2006

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